



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/126,194	07/30/98	VANDERMINDEN	W 75700/225

PM82/1124  
FRANCIS C HAND  
MCAULAY NISSEN GOLDBERG KIEL & HAND  
261 MADISON AVENUE  
NEW YORK NY 10016

EXAMINER

AVERY, B

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 11/24/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/126,194

Applicant(s)  
Vanderminden, William M.

Examiner  
Bridget Avery

Group Art Unit  
3618



☒ Responsive to communication(s) filed on Mar 8, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) 15 is/are allowed.

☒ Claim(s) 1, 2, 9-11, 13, 18, and 24 is/are rejected.

☒ Claim(s) 3-8, 12, 14, 17, and 19-23 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*Bridget Avery 11/21/99*

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3611

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Overholser (US Patent 4,895,131).

Overholser discloses a cart having a body frame (12, A); a pair of leg frames (20), each leg frame (20) being releasably connected to the body frame (12, A) at an opposite side from the other of the leg frames (20); a table top (18) releasably connected to and across the leg frames (20) in vertically spaced relation to the body frame (12, A); each leg frame (12) having a pair of horizontal outwardly disposed arms (36) and the table top (18) rests on the arms (36).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Overholser ('131) in view of Fuller (5,308,012).

Overholser discloses the features described above.

Overholser lacks the teaching of a fabric strip disposed about the leg frames.

Fuller discloses a handtruck having a fabric strip (40) disposed about holder (28).

Based on the teachings of Fuller, it would have been obvious to one of ordinary skill in the art, at the time of the applicant's invention, to modify the cart of Overholser, to include a fabric strip about leg frames (20) to protect the bottle of gas, within the leg frames, from damage.

5. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Overholser ('131) in view of Thrasher et al. (5,915,722) and Abrams (5,348,325).

Overholser discloses the features described above.

Overholser lacks the teachings of vertical plates and spacers.

Thrasher et al. ('722) discloses a collapsible cart having vertical plates (42, 44) positioned as spacers between handle (24) and leg (32).

Abrams ('325) discloses a collapsible luggage carrier having spacers (174) between spacer ring 170) and side tube (162).

Art Unit: 3611

Based on the teachings of Thrasher et al. and Abrams, it would have been obvious to one of ordinary skill in the art, at the time of the applicant's invention, to modify the cart of Overholser to include vertical plates and spacers to facilitate pivot movement between the body frame (12) and the leg frames (20). Note, with reference to claim 11, it would have been an obvious design choice to modify one arm (36) of Overholser to be longer than the other to provide additional length which supports a longer table top for additional table top space.

6. Claims 1, 2, 13, <sup>15</sup>18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schliemann et al. (US Patent 3,731,639).

Schliemann et al. discloses a table assembly including a body frame of box-shaped skeletal structure having a first and second pair of vertically disposed rectangular frames (C); a pair of leg frames (13), each leg frame (13) being disposed at an opposite side of the body frame (C) from the other of the leg frames (13); connecting means (15) integrated in the body frame (C) and each leg frame (13) for releasably connecting each leg frame (13) to the body frame (C); a table top (11) releasably connected to and across the leg frames (13) in vertically spaced relation to the body frame (C); and, each leg frame (13) has a pair of horizontal outwardly disposed arms (A, B).

Schliemann et al. lacks the teaching of a portable cart.

Based on the teachings of Schleimann et al., it would have been obvious to one of ordinary skill in the art, at the time of the applicant's invention, to modify the table assembly to include wheels or casters on the leg frames to facilitate ease in moving the table assembly from

Art Unit: 3611

one place to another.

*Allowable Subject Matter*

- 31)  
11/21/99
- and 16-
7. Claims 3-8, 12, 14, 17 and 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hallberg, Jr. shows a transportable bag cart of interest.

Cunningham shows a foldable utility cart of interest.

Stewart shows a convertible barbecue support frame of interest.

Wise shows a tool cart of interest.

Cox shows a portable workstation of interest.

Benting et al. shows a portable musical instruments cart of interest.

Audibert shows a folding furniture structure of interest.

Hanagan et al. shows a gas grill cooler shelf of interest.

Art Unit: 3611

Ferneau et al. shows a cart of interest.

Arnao shows a portable folding cart-table of interest.

Exum shows a portable serving table of interest.

Schaeffe shows a tray holder of interest.

Rawlinson shows a combined truck and supporting stand of interest.

Martin shows a truck of interest.


Wedel shows a cart of interest.

Frick shows a mobile refrigerated sanitary food carrier of interest.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.

  
Avery

November 21, 1999

  
BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
4/21/99